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MAR 24 2005

FACSIMILE TRANSMISSION TO
THE UNITED STATES PATENT AND TRADEMARK OFFICE

DATE: 3/24/2005

RE: Serial No.: 09/464,855

Docket No.: PHA 23,875

TO: Examiner: D'Agosta, Stephen M.

Art Unit: 2683

Fax Number: (703) 872-9306

FROM: Kevin Fortin, Reg. No. 35,140

Telephone: (408) 474 - 9071

TRANSMISSION INCLUDES: 18 Pages (including cover sheet)

Petition to Withdraw Abandonment - 2 pagesCopy of Notice of Abandonment & Interview Summary - 6 pagesCopy of USPTO Auto-Reply Facsimile Transmission - 1 pageCopy of Amendment/Reply to Office Action as filed - 8 pages

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office at the number listed above	
on <u>March 24</u> , 2005 by <u>Shannon Lester</u>	

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
Intellectual Property & Standards
1109 McKay Drive M/S-41SJ
San Jose, California 95131
Fax Number: (408) 474-9082

**RECEIVED
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 24 2005

First-Named Inventor: Bulthius et al.

Docket No.: PHA 23,875

Application No.: 09/464,855

Art Unit: 2683

Date Filed: 16-Dec. 1999 /

Examiner: D'Agosta, Stephen M.

Title: HAND-EAR USER INTERFACE FOR HAND-HELD DEVICE

PETITION TO WITHDRAW ABANDONMENT UNDER MPEP SECTION 711.03(c)

Sir:

Applicant(s) hereby petition to withdraw the holding of abandonment as evidenced by the Notice of Abandonment dated August 6, 2004 (copy attached).

The holding of abandonment is in error for the following reasons.

In response to the Office Letter dated January 30, 2003, an Amendment and/or Response under 37 CFR §1.111, with credit card authorization to charge any fees due, and a Certificate of Mailing, was duly transmitted to the US Patent and Trademark Office via facsimile by Applicant's Attorney on April 30, 2003. An official US Patent and Trademark Office Auto-Reply was received by Applicant's Attorney from the Patent Office on April 30, 2003, as evidenced by the attached copy of the Auto-Reply Facsimile Transmission.

Since all acts required of Applicant(s) to accomplish a timely response to the Office letter mailed on January 30, 2003, the holding of abandonment was in error, and Applicant hereby petitions for its withdrawal.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby requested and authorized pursuant to 37 CFR §1.136(a)(3), to treat any concurrent or future reply in this application requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. Please charge any additional fees, which may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Date: 24 March 2005 Respectfully submitted,

By Kevin H. Fortin
Kevin H. Fortin, Reg. No. 35, 140
Philips Electronics North America Corp.
1109 McKay Drive, M/S-41SJ
San Jose, California 95131
(408) 474-9075

Enclosures: ☒ Copy of Abandonment
☒ Copy of Amendment and/or Response under 37 CFR 1.111, as filed
☒ Copy of Auto-Reply Facsimile Transmission
☒ Authorization to charge fees to deposit account 14-1270.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,853	12/16/1999	WILLEM BULTHUIS	PELA-23.875	8178

7590 06/06/2004
PHILIPS ELECTRONICS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2683	146

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SJC AUG 12 2004

04 AUG 11 AM 9:33

Notice of Abandonment

Application No.

09/464,855

Examiner

Stephen M. D'Agosta

Applicant(s)

BULTHUIS ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 January 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 17



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,855	12/16/1999	WILLEM BULTHUIS	PHA-23.875	8178

7590

06/22/2004

ALGY TAMOSHUNAS
CORPORATE PATENT COUNSEL
US PHILIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JUN 30 2004

Technology Center 2600

Interview Summary	Application No.	Applicant(s)	
	09/484,855	BULTHUIS ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

All participants (applicant, applicant's representative, PTO personnel):

(1) Stephen M. D'Agosta (3) _____

(2) Kevin Fortin (408-474-9071) (4) _____

Date of Interview: 4-20-04 & 4-26-04.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation Sheet (PTOL-413)

Application No. 09/484,855

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: No response has been received by the patent office with regard to the non-final action sent 1-30-03 so the application has gone abandon. The examiner spoke to the applicant's attorney who informed the examiner that a response had been sent on/about 4/30/03. The examiner left a voicemail for the attorney informing him that an abandonment will be issued and that they can petition to revive the case (based on having a "transmittal receipt" from the USPTO showing that we had received the action).



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

04/30/03 14:41:20

USPTO->

804 493 0707 RightFAX

Page 881

TO:Auto-reply fax to 804 493 0707 COMPANY:

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 804 493 0707

Fax Information

Date Received:

4/30/03 2:33:32 PM [Eastern Daylight Time]

Total Pages:

8 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Apr 30 02 01:45p	Robert N. McDermott	804-493-0707	P.1
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of *Intelius et al*
 Serial No.: 09/464,853
 Filed: 16-Dec-1999
 Title: HAND-HELD USER INTERFACE FOR HAND-HELD DEVICE

Atty. Docket No.: PHA 23,875
 Group An Univ: 26348
 Examiner: D'Agostino, Stephen M

Honorable Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Amendment/Reply to Office Action

Re:

In response to the non-final Office action of 30 January 2003, please amend the above referenced application as follows and reconsider the application in light of the following remarks.

This paper includes (each beginning on a separate sheet):

1. Amendments to the claims; and
2. Remarks/Discussion of Issues.

PHA 23,875 Amendment
 30 April 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of **Bulthuis et al**Serial No.: **09/464,855**Filed: **16-Dec-1999**Title: **HAND-EAR USER INTERFACE FOR HAND-HELD DEVICE**Atty. Docket No.: **PHA 23,875**Group Art Unit: **2684**Examiner: **D'Agosta, Stephen M**Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231Amendment/Reply to Office Action

Sir:

In response to the non-final Office action of 30 January 2003, please amend the above referenced application as follows and reconsider the application in light of the following remarks.

This paper includes (each beginning on a separate sheet):

- 1. Amendments to the claims; and**
- 2. Remarks/Discussion of issues.**

Amendments to the Claims

This listing of claims replaces all prior versions, and listings, of claims in the application.

1. (Currently amended) An information processing device comprising a user-interface for enabling a user to interact with the device, the device comprising:

- a navigating input for enabling the user to navigate in a set of options;
- a memory enabling the user to store an audio information corresponding to each option file representative of a specific one of the set of options;
- a feedback output to provide a first type and a second type of auditory feedback information to the user in response to the navigating input about each respective selectable one of the options,
- the first type of auditory feedback comprising a play out of the audio information corresponding to a current option of the set of options, as indicated by the navigating input, the audio file when the user is navigating at a first speed, and to provide a second different type of auditory feedback information to the user
- the second type of auditory feedback indicating only a progression to a next current option of the set of options, as indicated by the navigating input, about each respective selectable one of the options when the user is navigating at a second, faster different speed, the first and the second types of auditory feedback each being one of a voice output, audible clicks or playing of portion of an audio file;
- a validating input to enable the user to select the current option based on the provided feedback information.

2. (Original) The device of claim 1, wherein the navigating input comprises a manual input.

3. (Original) The device of claim 1, wherein the validating input comprises a manual input.

4. (Original) The device of claim 2, wherein the manual input enables stepping through the set of options.
5. (Cancelled).
6. (Original) The device of claim 1, wherein the navigation input enables the user to scan an at least partly linear array of options.
7. (Original) The device of claim 1, wherein the navigation input enables the user to scan an at least partly circular array of options.
8. (Cancelled)
9. (Currently amended) The device of claim 1, comprising a mobile communication apparatus ~~(100)~~.
10. (Original) The device of claim 9, comprising a wireless email terminal for operating with an application server for text-to-speech conversion.
11. (Currently amended) The device of claim 1, comprising a computer ~~(200)~~.
12. (Currently amended) The device of claim 1, comprising an apparatus for play-out of music files ~~(300)~~.
13. (Currently amended) The device of claim 12, wherein the respective auditory ~~feedback~~ audio information comprises a respective introductory portion of a respective one of the music files.
14. (Original) The device of claim 1, comprising a remote control device for consumer appliances.

15. (Currently Amended) A method of enabling a user to interact with an information processing device, the method comprising:

- enabling the user to navigate among a set of options;
- enabling the user to store ~~an~~ audio information corresponding to each option ~~file representative of a specific one of the set of options~~;
- providing a first type of auditory feedback information to the user about each respective selectable one of the set of options, the first type of auditory feedback comprising a play out of the audio information corresponding to the respective selectable one of the set of options, ~~file~~ when the user is navigating at a first speed, and
- providing a second ~~different~~ type of auditory feedback information to the user, the second type of auditory feedback indicating only a progression to a next respective selectable one of the set of options, ~~about each respective selectable one of the options~~ when the user is navigating at a second, faster ~~different~~ speed; and
- enabling the user to validate a current one of the options based on the provided feedback information for accessing the selectable one of the options.

16. (Original) The method of claim 15, wherein at least a sub-set of the options is arranged to be navigated sequentially.

17. (Original) The method of claim 15, wherein at least a sub-set of the options is arranged to be navigated in a circular fashion.

18. (Cancelled)

19. (Currently amended) The method of claim 15 wherein:

- the device comprises a telephone ~~(100)~~; and
- the set of options comprises telephone extensions.

20. (Currently amended) The method of claim 15 wherein:

- the device is capable of email communication ~~(200)~~; and
- the set of options comprises email addresses.

21. (Currently amended) The method of claim 15, wherein:

- the device comprises an audio play-out functionality ~~(300)~~; and
- the audio information corresponding to one or more of the set of options comprises respective introductory portions of respective audio files.

22. (Original) The method of claim 15, wherein:

- the device comprises a remote control device; and
- the set of options comprises a control code for a consumer appliance.

23. (Currently amended) The information processing device of claim 1, wherein the audio file information comprises at least one recorded user-spoken word ~~associated with the~~ option.

24. (Currently amended) The information processing device of claim 9, wherein the audio file information comprises at least one recorded user-spoken word associated with a telephone extension.

25. (Currently amended) The information processing device of claim 10, wherein the audio file information comprises at least one recorded user-spoken word associated with an email address.

26. (Currently amended) The method of claim 19, wherein the audio file information comprises at least one recorded user-spoken word associated with one of the telephone extensions.

REMARKS

Claims 1-4, 6-7, 9-17, and 19-26 are pending in this application.

The Examiner has rejected:

claims 1-4, 6-7, 9, 11, 15-17, 19, 21, 23, 24, and 26 under 35 U.S.C. 103(a) as being unpatentable over Ohashi et al. (USP 5,481,595, hereinafter Ohashi) in view of Kowalski (USP 5,095,503), Itoh et al. (USP 6,205,427, hereinafter Itoh), Nuovo et al. (USP 6,097,964, hereinafter Nuovo), and Tuoriniemi et al. (USP 5,978,689, hereinafter Tuoriniemi);

claims 10, 20, and 25 under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh, and Nuovo, in view of Macor (USP 5,901,222) and Schwelb et al. (USP 5,950,123, hereinafter Schwelb);

claims 12-13 under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh, and Nuovo, in view of Lemaire et al. (USP 5,444,768, hereinafter Lemaire); and

claims 14 and 22 under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh, and Nuovo, in view of Argyroudis et al. (USP 5,748,104, hereinafter Argyroudis).

The Applicants respectfully traverse these rejections.

The Applicants teach and specifically claim an information processing device, and method of interacting with such a device, that provides two distinct types of auditory feedback, depending upon the speed at which a user navigates through a set of options. At a fast speed, the auditory feedback indicates only that the user has navigated to a next option in the set of options; at a slower speed, the auditory feedback conveys information that is related to the particular current option.

Neither Ohashi, Kowalski, Itoh, Nuovo, Tuoriniemi, Macor, Schwelb, Lemaire, nor Argyroudis, individually or collectively, teaches or suggests a speed-dependent feedback that conveys either an indication of a progression to a next option, or information related to the current option, depending upon whether the user is navigating through a set of options at a fast or slower speed.

The Examiner relies upon Ohashi for teaching navigation through a set of telephone numbers and receiving auditory feedback corresponding to each selection. The

Applicants concur that Ohashi teaches the conventional scheme of providing feedback corresponding to each selection of an option, and also concurs with the Examiner's conclusion that Ohashi does not teach speed-dependent feedback, nor the use of two different types of feedback.

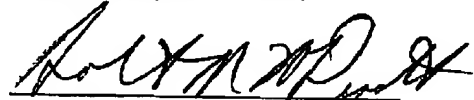
The Examiner relies upon Itoh for teaching speed-dependent feedback. Itoh teaches a system that plays back a voice-synthesis of a text file at selectable speeds. The Applicants respectfully suggest that the Examiner is using impermissible hindsight reconstruction to combine Itoh with Ohashi. Ohashi's application does not involve voice synthesis of a text file, and Itoh's application does not involve navigating through a set of selectable options. In the interest of advancing prosecution in this case, however, assuming in argument that one of ordinary skill in the art might be lead to combine Itoh's invention with Ohashi, the result of this combination would be a system that played-back Ohashi's option-information at different speeds. As taught by Itoh, if the user selects a faster speed, the information is merely presented at a faster rate. As the Examiner notes, Itoh's invention is typical of the conventional scheme used in playback devices for presenting information at a faster speed. There is no suggestion in either Itoh nor Ohashi that a selection of a faster speed should *not* present the information at a faster speed, but rather, as taught by the Applicants, present different auditory feedback that merely indicates a progression to the next option.

The Examiner relies upon the examiner's Nokia cell phone and the teachings of Tuoriniemi for providing audible feedback (tones, beeps, etc.) at each pressing of a telephone key. The Applicants respectfully note, however, that the examiner's current Nokia cell phone is an inappropriate prior-art reference in the context of 35 U.S.C. 103/102. Tuoriniemi teaches providing auditory feedback for each key-pressing to provide the user assurance that the key-pressing was detected by the telephone instrument. The Applicants respectfully note that presenting different auditory information as a function of the speed at which the user presses each key is inconsistent with the teachings of Tuoriniemi, because the proper operation of a telephone, and the feedback indicative of such proper operation, should *not* be dependent upon the speed at which a user enters the keys.

Because neither Ohashi, Kowalski, Itoh, Nuovo, Tuoriniemi, Macor, Schwelb, Lemaire, nor Argyroudis, individually or collectively, teach or suggest a speed-dependent feedback that conveys either an indication of a progression to a next option, or information related to the current option, depending upon whether the user is navigating through a set of options at a fast or slower speed, and because the combination of the teachings of Ohashi, Kowalski, Itoh, Nuovo, Tuoriniemi, Macor, Schwelb, Lemaire, or Argyroudis will not result in the Applicant's invention, and because the combination of the teachings of Ohashi, Itoh, and Tuoriniemi is inconsistent with the teachings of one or more of the teachings of Ohashi, Itoh, and Tuoriniemi, the Applicants respectfully maintain that the Examiner's rejections of the Applicants' claims based on the combinations of these references is inappropriate and will not result in the Applicants' invention, absent the Applicants' teachings.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Esq.

Reg. No. 41,508

804-493-0707

CERTIFICATE OF MAILING OR TRANSMISSION

It is hereby certified that, on the date shown below, this correspondence is being:

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